

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 96-7120**

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STANLEY SHANE SMITH,

Plaintiff - Appellant,

versus

FRANKLIN FREEMAN, Secretary of Correction;  
LYNN PHILLIPS, Director, Division of Prisons;  
GRANT M. SPICER, Western Area Administrator;  
REGGIE WEISNER, Assistant Western Area Admin-  
istrator; FINESSE G. COUCH, Executive Direc-  
tor, Inmate Grievance Committee; PHYLLIS  
ELLIOTT, Mental Health and Disabilities  
Coordinator; MARCUS HUGHES, Superintendent,  
Craggy Correctional Center; WADE HATLEY,  
Craggy Correctional Center; MARGIE LAWLER,  
Assistant Superintendent, Craggy Correctional  
Center; BILL CRESON, Inmate Special Needs Case  
Worker, Craggy Correctional Center; LINDA  
PLESS, Inmate Special Needs Case Worker,  
Craggy Correctional Center; CAROLINA VENCE,  
Inmate Case Worker, Craggy Correctional Cen-  
ter; JACOB MORROW, Lieutenant, Craggy Correc-  
tional Center; LEWIS DAVIS, Lieutenant, Craggy  
Correctional Center; MIKE BALL, Lieutenant,  
Craggy Correctional Center; HARRY RHODES,  
Lieutenant, Craggy Correctional Center; KEVIN  
BURRESS, Sergeant, Craggy Correctional Center;  
KEITH RICE, Sergeant, Craggy Correctional Cen-  
ter; JOHN WILSON, Sergeant, Craggy Correction-  
al Center; BILL SHOOK, Sergeant, Craggy Cor-  
rectional Center; LARRY THURSTON, Correctional  
Officer, Craggy Correctional Center; REGGIE  
DUNSTON, Correctional Officer; GARRY HAUG,  
Correctional Officer, Craggy Correctional  
Center; DONALD SHEPERD, Correctional Officer,  
Craggy Correctional Center,

Defendants - Appellees.

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Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Graham C. Mullen, District Judge. (CA-95-32-1-MU)

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Submitted: November 6, 1997

Decided: November 18, 1997

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Before WIDENER and LUTTIG, Circuit Judges, and BUTZNER, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Stanley Shane Smith, Appellant Pro Se. Elizabeth F. Parsons, OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh, North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant appeals the district court's failure to rule on his motion for a preliminary injunction or temporary restraining order. We dismiss the appeal for lack of jurisdiction, because Appellant has not appealed an order of the district court. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (1994), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (1994); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). Appellant has not appealed either a final order or an appealable interlocutory or collateral order.

We grant Appellees' motion to dismiss and dismiss the appeal as interlocutory. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED